

E-Filed 2/3/06

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KELU NDUNGE MAUNDU,
Plaintiff,
v.
THE BARNES LAW FIRM, et al.,
Defendants.

Case Number C 05-1939 JF (PVT)

ORDER (1) DISMISSING ACTION
WITHOUT PREJUDICE AS TO THE
BARNES LAW FIRM AND KAY
DAVIS; (2) GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AS TO SHARON
BARNES; AND (3) DIRECTING
PLAINTIFF TO FILE STATEMENT
OF ATTORNEYS' FEES

[Doc. No. 22]

Plaintiff filed the complaint in this action on May 11, 2005, alleging violation of the Fair Debt Collection Practices Act against The Barnes Law Firm, its principal, Sharon Barnes, and an employee, Kay Davis. The Barnes Law Firm subsequently filed for bankruptcy under Chapter 7, thus triggering the automatic stay of litigation. Kay Davis was not served with process. Plaintiff requests that the action be dismissed without prejudice as to The Barnes Law Firm and Kay Davis. That request will be granted.

The remaining defendant, Sharon Barnes ("Barnes"), did not file opposition to Plaintiff's motion and did not appear at the hearing. It appears that Barnes was served with notice of the

1 motion, and chambers staff left a message with her answering service confirming the hearing
2 date. The motion is well-taken and will be granted. Plaintiff requests \$1000 in statutory
3 damages and, in addition, reasonable attorneys' fees as provided under the statute. Counsel for
4 Plaintiff shall file a statement of attorneys' fees on or before February 10, 2006. Once the Court
5 determines reasonable attorneys' fees, the Court will enter judgment in this matter.

6 IT IS SO ORDERED.

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9 DATED: 2/3/06

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12 JEREMY FOGEL
United States District Judge
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1 This Order was served on the following persons:

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3 Frederick William Schwinn cand_cmecf@sjconsumerlaw.com,
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4 Sandra J. Shapiro sjshapiroecf@yahoo.com,

5 Sharon L Barnes
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